

CIVIL COVER SHEET

10 CV 2929

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Iron Workers Local No. 25 Pension Fund, Indiana Laborers Pension Fund, & Iron Workers District Council of Western New York and Vicinity Pension Fund, et al. Appellants

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John H. Genovese, Esq. and Robert F. Eligidely, Esq.

Genovese, Joblove & Battista, P.A., 100 S.E. 2nd Street, Suite

4400 Miami, FL 33131 Telephone: (305) 349-2200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal - Order Denying Motion For Limited Rehearing [Dkt. No. 1133].

DEFENDANTS

Charter Communications, Inc., et al., Appellee

ATTORNEYS (IF KNOWN)

Paul Basta, Esq. and Daniel Donovan, Esq., Kirkland & Ellis, LLP, 601 Lexington Avenue, New York, NY 10022,

Telephone: (212) 446-4800

Has this or a similar case been previously filed in SDNY at any time? No? Yes? Judge Previously Assigned Judge Denny Chin

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date

& Case No.

(PLACE AN IN ONE BOX ONLY)

NATURE OF SUIT

09-11435 # 1148

ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	AGRICULTURE	STATE REAPPORTIONMENT
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY - MED MALPRACTICE	<input type="checkbox"/> 610 OTHER FOOD & DRUG	<input type="checkbox"/> 400 ANTITRUST
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 620 DRUG RELATED SEIZURE OF PROPERTY	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL & SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<input type="checkbox"/> 625 21 USC 881 LIQUOR LAWS	<input type="checkbox"/> 450 COMMERCE
<input type="checkbox"/> 140 NEGOTIABLE INSTRUMENT	<input type="checkbox"/> 330 FEDERAL EMPLOYERS' LIABILITY	<input type="checkbox"/> 380 PERSONAL PROPERTY	<input type="checkbox"/> 630 RR & TRUCK AIRLINE REGS	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	<input type="checkbox"/> 340 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 640 OCCUPATIONAL SAFETY/HEALTH	<input type="checkbox"/> 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 650 OTHER	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	<input type="checkbox"/> 350 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 660 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> 355 MOTOR VEHICLE PRODUCT LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL PROPERTY DAMAGE	<input type="checkbox"/> 670 LABOR/MGMT RELATIONS	<input type="checkbox"/> 510 SELECTIVE SERVICE
<input type="checkbox"/> 160 STOCKHOLDERS SUITS	<input type="checkbox"/> 360 OTHER PERSONAL INJURY	<input type="checkbox"/> 385 PROPERTY DAMAGE PRODUCT LIABILITY	<input type="checkbox"/> 680 DISCLOSURE ACT	<input type="checkbox"/> 520 SECURITIES/ COMMODITIES/ EXCHANGE
<input type="checkbox"/> 180 OTHER CONTRACT			<input type="checkbox"/> 690 RAILWAY LABOR ACT	<input type="checkbox"/> 530 CUSTOMER CHALLENGE
<input type="checkbox"/> 195 CONTRACT PRODUCT LIABILITY			<input type="checkbox"/> 700 OTHER LABOR LITIGATION	<input type="checkbox"/> 540 12 USC 3410
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 550 OTHER STATUTORY ACTIONS
REAL PROPERTY	ACTIONS UNDER STATUTES	PRISONER PETITIONS	<input type="checkbox"/> 720 LABOR/MGMT REPORTING & DISCLOSURE ACT	<input type="checkbox"/> 560 1876 CUSTOMER CHALLENGE
	CIVIL RIGHTS		<input type="checkbox"/> 730 IRS-THIRD PARTY	<input type="checkbox"/> 570 12 USC 3410
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 580 1891 AGRICULTURAL ACTS
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 511 20 USC 2255	<input type="checkbox"/> 750 OTHER LABOR LITIGATION	<input type="checkbox"/> 590 1892 ECONOMIC STABILIZATION ACT
<input type="checkbox"/> 230 RENT LEASE & EJECTMENT	<input type="checkbox"/> 443 HOUSING/ ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 760 IRS-THIRD PARTY	<input type="checkbox"/> 600 1893 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 531 DEATH PENALTY	<input type="checkbox"/> 770 26 USC 7609	<input type="checkbox"/> 610 1894 ENERGY ALLOCATION ACT
<input type="checkbox"/> 245 TORT PRODUCT LIABILITY	<input type="checkbox"/> 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	<input type="checkbox"/> 540 MANDAMUS & OTHER		<input type="checkbox"/> 620 1895 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 290 ALL OTHER REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH DISABILITIES - OTHER	<input type="checkbox"/> 550 CIVIL RIGHTS		<input type="checkbox"/> 630 1900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 555 PRISON CONDITION		<input type="checkbox"/> 640 1950 CONSTITUTIONALITY OF STATE STATUTES
			<input type="checkbox"/> 465 HABEAS CORPUS- ALIEN DETAINEE OTHER IMMIGRATION ACTIONS	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE Denny Chin

DOCKET NUMBER 09-cv-10506

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2a. Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11 <input checked="" type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13 <input checked="" type="checkbox"/> 13	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15 <input checked="" type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 12 <input checked="" type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 14 <input checked="" type="checkbox"/> 14	FOREIGN NATION	<input type="checkbox"/> 16 <input checked="" type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Indiana Laborers Pension Fund, 413 Swan Street, Terre Haute, IN 47807 (Vigo County)
Iron Workers Local No. 25 Pension Fund, P.O. Box 965, 25150 Trans X Drive, Novi, MI 48376-0965 (Oakland County)
Iron Workers District Council of Western New York and Vicinity Pension Fund, 3445 Winton Place, Rochester, NY 14623-2950 (Monroe County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Charter Communications, Inc.
12405 Powerscourt Drive, Suite 100
St. Louis, MO 63131-3660
St. Louis County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 4/5/2010 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[X] YES (DATE ADMITTED Mo. 11 Yr. 2007)
Attorney Bar Code #RE-0512

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J. Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)